

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF ILLINOIS

UNITED STATES OF AMERICA,)	
)	
Plaintiff,)	
)	
vs.)	Case No. 3:22-cr-30097-DWD
)	
SHONTEZ DEMONTE T. BOOTH,)	
)	
Defendant.)	

MEMORANDUM & ORDER

DUGAN, District Judge:

Before the Court is Defendant's *pro se* Motion for Sentence Reduction under 18 U.S.C. § 3582 and U.S.S.G. Amendment 821, Part B (Adjustment for Certain Zero-Point Offenders under § 4C1.1). (Doc. 46). Consistent with Administrative Order 362, the Court directed the Federal Public Defender to enter an appearance to determine whether Defendant is eligible for relief. (Doc. 48). AFPD Todd M. Schultz entered his appearance for Defendant before filing a Motion to Withdraw, asserting there is no meritorious basis for relief under Amendment 821. (Docs. 49 & 50).

Section 4C1.1 provides that an offense level will be reduced by 2 points if the defendant accumulated no criminal history points and the offense did not involve specified aggravating factors. *See* U.S.S.G. § 4C1.1. However, in this case, AFPD Schultz indicates Defendant is ineligible for that 2-point reduction in offense level because, as is prohibited by § 4C1.1(a)(3) and (7), the offense of conviction involved the use of violence

and the possession of a firearm in connection with the offense. (Doc. 50). Notably, AFPD Schultz indicates the United States Probation Office concurs in this assessment.

Defendant has not filed a Response to the Motion to Withdraw, despite AFPD Schultz's mailing of that Motion to Defendant and the Court's Orders. (Docs. 50 and 51).

Now, the Court has reviewed the record and the applicable law. In light of the prohibitions in § 4C1.1(a)(3) and (7), the Court finds Defendant is not entitled to relief under Part B of Amendment 821. As such, the *pro se* Motion for a Reduction of Sentence under § 3582 and Amendment 821 is **DENIED**. The Motion to Withdraw is **GRANTED**. The Judgment dated September 19, 2023, remains in full force and effect. (Doc. 43).

SO ORDERED.

Dated: April 10, 2024

s/ David W. Dugan

DAVID W. DUGAN
United States District Judge